

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 11, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JERROD JUSTIN HALE,

Defendant.

No. 4:21-CR-06008-SMJ-3

**PRELIMINARY ORDER OF
FORFEITURE**

Before the Court, without oral argument, is the Government's Motion for Entry of a Preliminary Order of Forfeiture, ECF No. 168. Having reviewed the record in this matter, the Court is fully informed and grants the motion.

Accordingly, **IT IS HEREBY ORDERED:**

1. The Government's Motion for Entry of a Preliminary Order of Forfeiture, **ECF No. 168**, is **GRANTED**.

2. As the result of Defendant Jerrod Justin Hale's guilty pleas to Counts 1 and 8 of the Superseding Indictment charging Defendant with Conspiracy to Distribute 400 grams or more of Fentanyl, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(vi) and 846 and Felon in Possession of Firearm, in violation of 18 U.S.C. §§ 922(g)(1),

1 924(a)(2)924(c)(1)(A)(ii), for which the United States sought
2 forfeiture of assets pursuant to 21 U.S.C. § 853 and/or 18 U.S.C. §
3 924(d)(1) and 28 U.S.C. § 2461(c), Defendant shall forfeit to the
4 United States the below-listed assets involved or used in the
5 commission of the offenses.

6 **3.** Based on Defendant's plea agreement, the following listed assets are
7 subject to forfeiture under 21 U.S.C. § 853 and/or 18 U.S.C. §
8 924(d)(1) and 28 U.S.C. § 2461(c). The Government has established
9 the requisite nexus between such property listed as follows and the
10 offenses to which Defendant pleaded guilty:

- 11 - \$8, 942.00 U.S. currency;
- 12 - a Ruger LCP .380 caliber pistol, bearing serial number
- 13 371903965; and
- 14 - Any and all seized ammunition and accessories, including:

15 Forty-nine (49) .380 rounds with a stamp of *I*; Forty
16 (40) .380 rounds with a stamp of "Federal Auto"; Thirty-
17 five (35) .380 rounds with a stamp of "Win Auto"; and,
18 Twenty-six (26) .380 rounds with a stamp of "ACP
19 Tulammo", all contained in a black case; and,

20 Fifteen (15) loose rounds of .380 ammo stamped "Win
Auto"; and, a loaded magazine.

4. Under 21 U.S.C. § 853(n)(1), the United States shall post notice of the
order on the official government internet site (www.forfeiture.gov) for

1 at least thirty consecutive days. The United States shall also, to the
2 extent practicable, provide direct written notice to any person known
3 to have alleged an interest in the property that is the subject of this
4 Preliminary Order of Forfeiture, as a substitute for posted internet
5 notice as to those persons so notified.

6 **5.** Any person, other than the above-named Defendant, asserting a legal
7 interest in the above-listed property may, within thirty days of the final
8 posting of the notice, or receipt of notice, whichever is earlier, petition
9 the Court for a hearing without a jury to adjudicate the validity of their
10 alleged interest in the above-listed property, and for an amendment of
11 this Preliminary Order of Forfeiture, under Federal Rule of Criminal
12 Procedure 32.2(6) and 21 U.S.C. § 853(n).

13 **6.** Any petition filed by a third party asserting an interest in the above-
14 listed property shall be signed by the petitioner under penalty of
15 perjury and shall set forth the nature and extent of the petitioner's right,
16 title or interest in said property, the time and circumstances of the
17 petitioner's acquisition of the right, title or interest in said property,
18 and any additional facts supporting petitioner's claim and the relief
19 sought.
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1 7. After disposition of any motion filed under Federal Rule Criminal
2 Procedure 32.2 and before hearing on the petition, discovery may be
3 conducted in accordance with the Federal Rules of Civil Procedure
4 upon a showing that such discovery is necessary or desirable to resolve
5 factual issues.

6 8. Under Federal Rule Criminal Procedure 32.2(b)(4)(A) and (B), this
7 Preliminary Order of Forfeiture is final as to Defendant at the time of
8 sentencing and is made part of the sentence and included in the
9 judgment.

10 9. The United States shall have clear title to the above-listed property
11 following the Court's disposition of all third-party interests, or, if none,
12 following the expiration of the period provided in Rule 32.2(c)(2), and
13 21 U.S.C. § 853(n), for the filing of third-party petitions.

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